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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,509	03/12/2004	Dennis L. Weaver	BSS0021	2370
27268	7590	05/14/2008		EXAMINER
BAKER & DANIELS LLP 300 NORTH MERIDIAN STREET SUITE 2700 INDIANAPOLIS, IN 46204			NGUNEN, LUONG TRUNG	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/799,509	Applicant(s) WEAVER, DENNIS L.
	Examiner LUONG T. NGUYEN	Art Unit 2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 January 2008.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5-14,16-21 and 31-44 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 5,6,8-10,16,17,19-21 and 31-44 is/are allowed.
- 6) Claim(s) 1-3,7,11-14,18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 01/22/2008 have been fully considered but they are not persuasive.

In re pages 10-11, Applicant argues that Korling fails to disclose a mounting assembly in which at least two of said first, second and third bracket are relatively translatable along a substantially linear length, as recited in independent claims 1 and 11.

In response, regarding claim 1, Applicant recites limitation “wherein at least two of said first, second and third brackets are relatively translatable along a substantially linear length.” Since the claim recites limitation “at least two of said first, second and third brackets are relatively translatable along a substantially linear length,” the Examiner considers that Korling does disclose limitation “said second and third brackets are relatively translatable along a substantially linear length.” Korling discloses inner yoke 24 (*second bracket*) rotates about axis B (*second axis*) relative to outer yoke 20 (*third bracket*); this indicates that the inner yoke 24 and outer yoke 20 are relatively translatable along the axis B (*second axis, which is a substantially linear length*), see figures 1-3. Noted that the invention (Figures 2-4) discloses second bracket 24 (*second bracket*) rotates about axis A2 (*second axis*) relative to third bracket 26 (*third bracket*), this means that the second bracket 24 and the third bracket 26 are relative translatable along axis A2, which is a substantially linear length. The axis A2 in the present invention is equivalent to axis B in Korling, which is a substantially linear length.

In re pages 10-11, Applicant argues that Applicant submits that Mahlab does not make up for the deficiencies of Korling. Mahlab discloses only a single bracket 21 coupled to disc member 17. Bracket 21 is not connected to arms 11 and 12. Bracket 21 in Mahlab is equivalent to the first bracket in the present claimed invention which is coupled to the camera body. Bracket 21 in Mahlab is equivalent to mounting plate 34 in Korling which is coupled to the camera 12. Therefore, even if Korling and Mahlab are improperly combined, there is no disclosure or suggestion to replace the second bracket (inner yoke 24 of Korling) with the camera bracket 21 of Mahlab. In other words, there is no disclosure or suggestion of providing first and second linear slots in the second bracket (inner yoke 24 of Korling) to couple the second and third brackets (inner yoke 24 and outer yoke 20 of Korling) together as recited in independent claims 1 and 11 of the present application.

In response, the Examiner considers that Mahlab does make up for the deficiencies of Korling. The Examiner does not consider bracket 21 in Mahlab is equivalent to the first bracket in the present claimed invention which is coupled to the camera body. The Examiner does not consider bracket 21 in Mahlab is equivalent to mounting plate 34 in Korling which is coupled to the camera 12. The Examiner considers mounting plate 34 in figures 1-3 of Korling is equivalent to the first bracket in the claimed invention, which is first bracket 22 in figures 2-4 in the invention; the inner yoke 24 in figures 1-3 of Korling is equivalent to the second bracket in the claimed invention, which is second bracket 24 in figures 2-4 in the invention; the outer yoke 20 in figures 1-3 of Korling is equivalent to third bracket in the claimed invention, which is the third bracket 26 in figures 2-4 in the invention.

In this case, the inner yoke 24 in Korling does not define linear slots on the two sides of inner yoke 24 (the two sides of inner yoke 24 are the sides which are perpendicular to axis B in figure 3), however, Mahlab teaches the defining linear slots in bracket 21 as shown in figure 1. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Korling by defining two linear slots on the two sides of inner yoke 24 as taught by Mahlab in order to increase to view angle of a camera 12 in vertical direction.

Applicant submits that there is no disclosure or suggestion to combine Mahlab with Korling, except for Applicant's own disclosure and claims through improper hindsight.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 7, 11-13, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korling (US 4,341,452) in view of Mahlab (US 3,732,368).

Regarding claim 1, Korling discloses a mounting assembly (camera mount 10, figures 1-3) for mounting a camera (camera 12, figures 1-3) to a support structure, the camera having a camera body and a lens (lens 14, figures 1-3), said assembly comprising:

a first bracket (mounting plate 34 and bracket 32, figures 1-3, column 8, lines 37- 52) being fixable relative to the camera body wherein said first bracket supports the camera;

a second bracket (inner yoke 24, figure 1-3, column 8, lines 3- 45) supportingly engaging said first bracket, said first bracket being rotatable about a first axis (axis C, figure 3, column 8, lines 3- 45) relative to said second bracket;

a third bracket (outer yoke 20, figure 1-3, column 8, lines 3- 45) supportingly engaging said second bracket, said second bracket being rotatable about a second axis (axis B, figure 3, column 8, lines 3- 45) relative to said third bracket, said first and second axes being substantially mutually perpendicular, said third bracket being supportingly securable to the support structure wherein said third bracket is rotatable about a third axis (axis A, figure 3, column 7, lines 65-67) relative to the support structure, said second and third axes being substantially mutually perpendicular; and

wherein at least two of said first, second and third brackets are relatively translatable along a substantially linear length and wherein said first, second and third brackets are securable relative to said support structure whereby the camera may be fixedly mounted in a selected position (figures 1-3, column 7, line 37 – column 8, lines 45);

wherein said second and third brackets being engaged together by first and second fasteners (bolts 48 included in pivot assemblies 26, figures 1- 3, column 8, lines 18- 44).

Korling fails to specifically disclose wherein said second bracket defines a first linear slot and a second linear slot, said first fastener extending through said first slot and said second fastener extending through said second slot wherein said first and second fastener define said second axis and wherein said first and second fasteners are slidable in said first and second slots respectively. However, Mahlab teaches a surveillance unit, which comprises bracket 21 which defines a first linear slot and a second linear slot; the surveillance subunit 9 is supported by elongated arms 11 and 12 which are coupled to surveillance subunit 9 by wing nuts 13 and 13', wing nuts 13 and 13' are loosen and slidable, and the camera viewing axis is substantially aligned with viewport 22 before assembling (figures 1-2, column 2, line 45 –column 3, line 24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Korling by the teaching of Mahlab in order to increase to view angle of a camera in vertical direction.

Regarding claim 2, Korling discloses wherein said second bracket is linearly translatable relative to said third bracket (figure 1-3).

Regarding claims 7, 18, Korling discloses wherein said third bracket is pivotally mounted to the support structure with a fastener (thread nut 44, figure 2, column 7, lines 59-67), said fastener defining said third axis.

Regarding claim 11, all the limitations are contained in claim 1, except for the limitation "surveillance camera" is also disclosed in Korling (Korling discloses camera which can be moved to different visual area, angle or position; this indicates that camera in Korling is a surveillance camera, column 1, lines 5-12, lines 33-36).

Regarding claim 12, Korling discloses wherein said first bracket is directly secured to said camera body (camera 12 is mounted on plate 34, figures 1-3).

Regarding claim 13, Korling discloses wherein said second bracket is linearly translatable relative to said third bracket (figures 1-3).

4. Claims 3, 14 are rejected 103 (a) over Korling (US 4,341,452) in view of Mahlab (US 3,732,368) further in view of Paff et al. (US 4,833,534).

Regarding claims 3, 14, Korling and Mahlab fail to specifically disclose a substantially hemispherical dome, the camera being mountable within said dome, said dome being substantially transparent when viewing outwardly from a position within said dome, said dome being substantially opaque when viewed from a position external to said dome. However, Paff et al. teaches a surveillance assembly, which comprises dome-like cover 15, camera assembly 14, dome-like cover 15 is transparent when viewing from a position within the dome-like cover 15, the dome-like cover is a opaque inner dome-like (figure 3, column 1, lines 40-42, column 4, lines 4-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the device in Korling and Mahlab by the teaching of Paff et al. in order to prevent camera from damaged caused by weather.

Allowable Subject Matter

5. Claims 5-6, 8-10, 16-17, 19-21, 31-44 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 5-6, 8-10, 16-17, 19-21, 31-44, see Examiner's statement of reasons for allowance as indicated in Paper mailed on 10/16/2007.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2622

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LTN
05/10/08

/LUONG T NGUYEN/
Examiner, Art Unit 2622

Application/Control Number: 10/799,509
Art Unit: 2622

Page 10